

**SUPREME COURT MINUTES
THURSDAY, DECEMBER 18, 2003
SAN FRANCISCO, CALIFORNIA**

S107792

E029463 Fourth Appellate District,
Division Two

EASTBURN v. REGIONAL FIRE

Opinion filed: Judgment affirmed in full

The judgment of the Court of Appeal in
defendants' favor is affirmed.

Opinion by Chin, J.

--- joined by George, C. J., Kennard, Baxter,
Werdegar, Brown, Moreno, JJ.

S111323

F039699 Fifth Appellate District

SAINT AGNES MEDICAL CENTER v. PACIFICARE

Opinion filed: Judgment affirmed in full

Opinion by Baxter, J.

--- joined by George, C. J., Kennard,
Werdegar, Chin, Brown, Moreno, JJ

S119776

B161030 Second Appellate District,
Division Four

PEOPLE v. GOMEZ

Time extended to grant or deny review

to February 11, 2004

S120046

B160042 Second Appellate District,
Division Two

PEOPLE v. ESPINOZA

Time extended to grant or deny review

to January 29, 2004

S120138

B165029 Second Appellate District,
B159883 Division Five

BARAJAS (JOSE ALFREDO) ON H.C.

Time extended to grant or deny review

to January 23, 2004

S120156

F039242 Fifth Appellate District

PEOPLE v. HOLLIE

Time extended to grant or deny review

to January 29, 2004

S120247

D039697 Fourth Appellate District,
Division One

HIXSON v. HIXSON

Time extended to grant or deny review

to February 2, 2004

S120286

B154079 Second Appellate District,
Division Six

BAUM v. SMART & FINAL STORES CORP.

Time extended to grant or deny review

to January 30, 2004

S120377

A094198 First Appellate District,
Division Four

PEOPLE v. HALL

Time extended to grant or deny review

to February 6, 2004

S120378

A095937 First Appellate District,
Division Three

PEOPLE v. DELUISCONTI

Time extended to grant or deny review

to February 6, 2004

S120396

B153932 Second Appellate District,
Division Eight

AVILA v. JADO PROPERTIES

Time extended to grant or deny review

to February 10, 2004

S120438

H026388 Sixth Appellate District

GRANT v. S.C. (PEOPLE)

Time extended to grant or deny review

to February 6, 2004

S120439

B170665 Second Appellate District,
Division Four

NAKASHIMA (ROY H.) ON H.C.

Time extended to grant or deny review

to February 11, 2004

S120539

A104401 First Appellate District,
Division One

PLAZOLA v. S.C (PEOPLE)

Time extended to grant or deny review

to February 11, 2004

S120576

G031166 Fourth Appellate District,
Division Three

PEOPLE v. MCKEAN

Time extended to grant or deny review

to February 11, 2004,

S120599

G033100 Fourth Appellate District,
Division Three

WHITEHOUSE v. S.C. (CALIF INST FOR WOMEN)

Time extended to grant or deny review

to February 11, 2004

S027094

PEOPLE v. ELLIOT (MARCHAND)

Extension of time granted

to February 13, 2004 to file appellant's opening brief. The court anticipates that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S053228

PEOPLE v. ALEXANDER (ANDRE STEPHEN)

Extension of time granted

to February 24, 2004 to file respondent's brief. Extension granted based upon Deputy Attorney General Richard T. Breen's representation that he anticipates filing that brief by 2/24/2004. After that date, no further extension is contemplated.

S064769

PEOPLE v. HAWTHORNE (CARLOS A.)

Extension of time granted

to January 23, 2004 to file appellant's opening brief. Extension is granted based upon Assistant State Public Defender Andrew S. Love's representation that he anticipates filing that brief by 1/23/2004. After that date, no further extension will be granted.

S066377PEOPLE v. ABILEZ (FRANK M.)
Extension of time granted

to February 17, 2004 to file appellant's opening brief. After that date, only one further extension totaling 45 additional days will be granted. Extension is granted based upon counsel Russell S. Babcock's representation that he anticipates filing that brief by 3/31/2004.

S070327PEOPLE v. WILSON (ANDRE)
Extension of time granted

to February 17, 2004 to file appellant's opening brief. The court anticipates that after that date, only two further extensions totaling 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S075616PEOPLE v. GONZALES & SOLIZ
Extension of time granted

to February 17, 2004 to appellant SOLIZ to file appellant's opening brief.

S115998

C037845 Third Appellate District

PEOPLE v. LANGSTON
Extension of time granted

to December 29, 2003 for appellant to file the answer brief on the merits.

S116358G028814 Fourth Appellate District,
Division ThreeWIENER v. SOUTHCOST CHILD CARE et al.
Extension of time granted

for respondent First Baptist Church of Costa Mesa to file the reply brief on the merits, to January 9, 2004.

S116605

NAKAHARA (EVAN T.) ON H.C.
Extension of time granted

to January 15, 2004 to file the informal response to the petition for writ of habeas corpus. Extension is granted based upon Deputy Attorney General Karen Bissonnette's representation that she anticipates filing that document by 1/15/2004. After that date, no further extension will be granted.

S116750

DAVIS (STANLEY B.) ON H.C.
Extension of time granted

to January 16, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling 30 additional days will be granted. Extension is granted based upon Deputy Attorney General Lisa J. Brault's representation that she anticipates filing that document by 2/15/2004.

S117370

A097168 First Appellate District,
Division One

PEOPLE v. RANDLE
Extension of time granted

Appellant's time to serve and file the answer brief on the merits is extended to and including January 12, 2004. No further extensions will be granted.

S119129

H024003 Sixth Appellate District

PEOPLE v. GUZMAN
Extension of time granted

to January 11, 2004 for respondent to file the opening brief on the merits.

S018033

PEOPLE v. SNOW (PRENTICE)

Order appointing Habeas Corpus Resource Center filed

The order appointing Michael G. Millman, Executive Director of the California Appellate Project, to serve as interim habeas corpus/executive clemency counsel of record for condemned prisoner Prentice Juan Snow, filed April 16, 2003, is hereby vacated.

The Habeas Corpus Resource Center is hereby appointed attorney of record for condemned prisoner Prentice Juan Snow. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

Any "petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 24 months" of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std.1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of prior habeas corpus counsel's respective declarations, in support of their motion to withdraw, to the effect that they were unable to discharge their duty to investigate and, if appropriate, present a habeas corpus petition on behalf of condemned prisoner Prentice Juan Snow.

S069685

PRICE (CURTIS F.) ON H.C.

Motion denied

The motion to disqualify the Office of the California Attorney General as counsel for respondent, filed in this court on May 18, 1998, is denied.

B162572 Second Appellate District

TERRIE HUTTON v. LAW OFFICES OF
HERBERT HAFIF, et al.
Order filed

The above-entitled matter, now pending in the
Court of Appeal, Second Appellate District, is
transferred from Division One to Division Five.

B164681 Second Appellate District

HAWTHORNE PLAZA v. M & A GABAE et al.
Order filed

The above-entitled matter, now pending in the
Court of Appeal, Second Appellate District, is
transferred from Division Five to Division One.